

FINDS that Defendant Amerisure Mutual Insurance Co. owes a duty to defend to Plaintiff Swinerton Builders under Policy No. CPP 2003071 for the Policy Period of October 1, 2004, to October 1, 2005;

FINDS that a duty to defend was triggered by Plaintiff University of Houston System's Original, First Amended, Second Amended, Third Amended, and Fourth Amended Petitions in *University of Houston System v. Swinerton Builders, et al.*, Cause No. 2006-76157, in the 334th Judicial District Court of Harris County, Texas;

GRANTS Plaintiff Swinerton Builders' Motion for Partial Summary Judgment Against Defendant Amerisure Mutual Insurance Co. on the Duty to Defend; and

GRANTS Plaintiff Swinerton Builders all other relief to which it is justly entitled.

SIGNED: _____, 2011

Judge Kenneth M. Hoyt